

**A RESOLUTION OF THE TOWN COMMISSION OF THE
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA,
ADOPTING COMMISSION MEETING AND AGENDA
PROCEDURES; PROVIDING FOR CONFLICTS;
PROVIDING FOR SEVERABILITY; AND PROVIDING
FOR AN EFFECTIVE DATE**

WHEREAS, Section 2-19 “Minutes and Procedures of Meetings,” of the Code of Ordinances of the Town of Lauderdale-By-The-Sea, Florida, provides that the Town Commission may establish procedures relative to Town Commission meetings and agendas; and

WHEREAS, these procedures shall be administered and implemented with flexibility, to assure that the will of the majority is accomplished while the rights of the minority are protected, to the end of accomplishing Town business in an efficient, effective and respectful manner; and

WHEREAS, the Town Commission desires to adopt procedures for Town Commission meetings and agendas, as provided herein, by resolution; and

WHEREAS, the adoption of these procedures is in the best interest of the Town of Lauderdale-By-The-Sea.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The recitals contained in the preamble to this Resolution are incorporated by reference herein.

Section 2. Procedures Adopted. The following Town Commission Meeting and Agenda Procedures are hereby adopted:

30 A. TOWN COMMISSION MEETINGS

- 31
- 32 i. **Regular Meetings.** Pursuant to Town Code Section 2-16, the Town Commission
- 33 shall hold regular meetings on the second and fourth Tuesdays of each month at
- 34 Jarvis Hall. Commission meetings are traditionally held at 7:00 p.m. The
- 35 Commission may cancel or reschedule regular Commission meetings as it
- 36 determines to be necessary. A regular meeting may be recessed to a later date
- 37 certain which is announced at the regular meeting. All meetings shall be open to
- 38 the public, except as may be expressly exempted by state law, and shall include a
- 39 section devoted to public comment. The Town Manager or his or her designee
- 40 (hereinafter referred to as "the Town Manager") shall attend regular meetings,
- 41 shall prepare an agenda with appropriate backup, and shall assure that relevant
- 42 staff persons are present for the items on the agenda. The Town Attorney or his
- 43 or her designee (hereinafter referred to as "the Town Attorney") shall attend
- 44 regular meetings. The purpose of such meetings is to conduct the business of the
- 45 Town. If an item results in extensive discussion at a regular meeting, any
- 46 Commissioner¹ may move that the item be continued to a roundtable. Items
- 47 requiring Commission action to become effective must return to a regular or
- 48 special Commission meeting if such action is to be taken.
- 49
- 50 ii. **Roundtable Workshop Meetings.** The Town Commission shall meet at least
- 51 once a month in a roundtable to be conducted as a public meeting, but without
- 52 public comment. Roundtables are traditionally held on the second and fourth
- 53 Wednesdays of each month at 7:00 pm, if the amount of business to be conducted
- 54 justifies having two roundtables in a month. The Town Commission shall
- 55 determine whether the amount of business in a given month justifies one or two
- 56 roundtable meetings, and schedule them accordingly. The Commission may
- 57 cancel or reschedule roundtable meetings of the Commission as it determines to
- 58 be necessary. A roundtable may be recessed to a later date certain which is
- 59 announced at the roundtable. The Town Commission shall discuss the agenda
- 60 items and provide feedback, but shall not take action at roundtables. The Town
- 61 Manager shall attend the roundtable, prepare an agenda with appropriate backup,
- 62 and assure that relevant staff persons are present for the items on the agenda. The
- 63 Town Attorney shall attend roundtables.
- 64
- 65 iii. **Special Meetings.**
- 66
- 67 (a) Special meetings shall be handled as provided in Town Code Section 2-18.
- 68
- 69 (b) With the written notice and following the procedures required in Section
- 70 2-18, the Commission may hold special meetings at any time on the call of
- 71 the Mayor, the Manager or any Commissioner, upon no less than 24
- 72 hours' notice to each Commissioner and the public. Alternatively, special
- 73 meetings may be called on such shorter notice as any two (2)

¹ All references to Commissioner herein shall be construed to also refer to the Mayor-Commissioner.

Commissioners shall deem necessary in case of an emergency affecting life, health, property or the public peace. Immediately upon convening such special meeting, the Town Commission shall consider any such determination of emergency, and may continue the meeting if an emergency is found to exist by at least three (3) Commissioners. Emergency special meetings shall always be scheduled with as much notice as is possible under the circumstances.²

(c) A majority of the Commissioners shall constitute a quorum to transact business, but a lesser number may meet and adjourn from time to time and, if necessary, may compel the attendance of absent Commissioners. Commission meetings are traditionally held at 7:00 p.m., but shall be scheduled to accommodate the schedule of all Town Commissioners as much as is feasible. The Town Manager shall attend the special meeting, shall prepare an agenda with appropriate backup, and shall assure that relevant staff persons are present for the items on the agenda. The Town Attorney shall attend special meetings. Only those matters listed on the agenda of the special meeting shall be discussed, and no additional items may be added at the special meeting.

(d) Notice to the public shall be accomplished by posting at the Town Hall. Notices shall state the place, date and hour of the special meeting and the purpose for which such meeting is called and no further business shall be transacted at the meeting, except as stated in the notice. Discussions at a special meeting shall be limited to the items listed on the agenda for such meetings. All special meetings shall be open to the public, except as may be expressly exempted by state law.

(e) A special meeting may be recessed to a later date certain which is announced at the special meeting.

iv. **Robert's Rules of Order.** For matters not addressed by this Resolution, all meetings of the Town Commission shall be governed by the rules of procedure provided by Robert's Rules of Order. Unless objection thereto is made by a Commissioner, the Mayor may refrain from a too rigid enforcement of such rules, in order to expedite the transaction of business. The Mayor may make and second motions upon passing the gavel to the Vice-Mayor.

B. DUTIES AND RESPONSIBILITIES OF THE MAYOR

i. **Mayor to Serve as Presiding Officer.** The Mayor shall be the presiding officer at all Town Commission meetings. The Vice Mayor shall act as the presiding officer during the absence of the Mayor. In the absence of both the Mayor and

² Section (b) shall not be given effect unless and until Section 2-18 of the Town Code of Ordinances is revised to authorize its provisions.

Vice Mayor, the remaining Commissioners shall, by majority vote, select a presiding officer (Mayor Pro Tem) to carry out the functions of Mayor for that meeting, as defined in this Resolution.

- ii. **Mayor to Determine Questions of Order.** The Mayor may determine questions of order raised by the Commission or ask the Town Attorney to advise on such questions. The Town Attorney shall be the parliamentarian and shall decide appeals by the other Commissioners of the Mayor's ruling on a point of order. Such decisions shall be guided by the law that parliamentary procedure shall not be used to thwart the will of the majority of the Commission. A majority vote of the Town Commission, following a proper motion and a second appealing the Mayor's or Town Attorney's decision, will ultimately govern appeals of questions of order. The Mayor may consult with the Town Attorney for advice on any question of order at any time.
- iii. **Mayor's Conduct of the Meeting.** In accordance with Town Charter Section 5.2(1), the Mayor shall have a voice and a vote on all questions and items, and be called last, but does not have veto power. The Mayor may make and second motions upon passing the gavel. The Mayor shall introduce agenda items by the agenda item and number. The Town Attorney shall read the titles of legislation as may be requested by the Mayor. Thereafter, the Mayor may call upon the Town Manager to give any needed explanation of the item up for consideration. Following this, the item shall be opened for Town Commission discussion or public hearing as required by the item, under the guidelines established herein. All comments or questions by the attending public shall be directed to the Mayor. All motions shall be read aloud before a vote is taken. After a decision is made, it shall be read back by the Town Clerk as clearly and concisely as possible.
- iv. **Mayor to Maintain Decorum at Town Commission Meetings.** Should a member of the audience become unruly or behave in any improper manner prejudicial to the proper conduct of the meeting, the Mayor shall maintain order and decorum in accordance with Section 2-23 of the Code. All comments shall relate to Town business. The broadest possible accommodation shall be provided for statements of personal opinion, but no one shall engage in personal attacks. Proper titles shall be used at all times, to contribute to a respectful and business-like atmosphere. The Mayor may interrupt to maintain order and decorum, but such interruption shall not reduce the speaker's time. The Mayor is given the right and the authority to require such person to leave Jarvis Hall, to be accompanied, if necessary, by a Police Officer, in accordance with Section 2-23. In the event the audience, or a part thereof, becomes unruly, the Mayor may either recess or adjourn the meeting. Persons violating Florida Statute Section 871.01 may be arrested by police officers present and noting the willful interruption or disturbance.

C. ORDER OF BUSINESS

The order of business of the Town Commission at the regular Commission meetings shall be as follows:

- (1) Call to Order/Invocation/Pledge of Allegiance
- (2) Additions, Deletions, Deferrals of Agenda Items
- (3) Special Presentations
- (4) Public Comments
- (5) Public Safety Discussion
- (6) Approval of Minutes
- (7) Consent Agenda
- (8) Ordinances
- (9) Resolutions
- (10) Quasi-Judicial Public Hearings
- (11) Commissioner Comments
- (12) Old Business
- (13) New Business
- (14) Town Manager Report
- (15) Town Attorney Report
- (16) Adjournment

Where any applicable law may require a different order or procedure for the Commission meeting, such as for meetings involving the budget, those laws shall be followed and the meeting procedures altered as may be appropriate.

D. COMMISSION DISCUSSION

- i. **Discussion by Commissioner.** Discussion by Commissioners shall be limited to three minutes except as may otherwise be determined by a majority of the Town Commission. Each Commissioner shall be afforded the opportunity to offer rebuttal on each item discussed, which shall also be limited to three minutes. A Commissioner, once recognized by the Mayor, shall direct all comments or questions on the subject matter being discussed to the Mayor only. Commissioners shall not engage in cross conversation with other Commissioners or the public, and shall not engage in personal attacks. Commissioners shall not interrupt another Commissioner who has the floor, and shall be polite and respectful. Those who are disruptive shall receive at least one warning before being ejected in accordance with Code Section 2-23. The Town Manager may play a role in keeping the Town Commission discussion on topic and keeping the meeting moving forward. The Mayor shall not unreasonably withhold or delay recognition of any Commissioner desiring to speak. The Mayor shall recognize other Commissioners in rotation and not call on any Commissioner a second time or subsequent time until such time as all Commissioners shall have had an opportunity to speak.

- 207 ii. **Questions by Commissioners.** In the event a Commissioner wishes to direct
208 questions to another Commissioner or to the public, the questions shall be
209 directed to the Mayor who, in turn, will recognize the Commissioner or member
210 of the public who wishes to answer the specific questions. In the event a
211 Commissioner wishes to direct a question to the Town Manager, the question
212 shall be directed to the Town Manager through the Mayor, who will, in turn,
213 recognize the Commissioner. All questions of Town staff shall be made through
214 the Town Manager.

215
216 E. **PUBLIC PARTICIPATION AND DISCUSSION**

- 217
218 i. **Public Hearings.** Individuals wishing to speak on matters that appear on the
219 agenda as "Public Hearings" need only to be recognized by the Mayor. The
220 public shall be permitted to speak after the Mayor opens an item for Public
221 Hearing, for a maximum of three minutes each. After the Public Hearing is
222 closed by the Mayor, only Commissioners or Town administration shall discuss
223 the item.
- 224
225 ii. **Addressing Commission: Manner and Time.** Public discussion at public
226 hearings or at items which are opened to public discussion (other than the general
227 Public Comment portion of the meeting) shall be limited to three minutes
228 maximum per person. However, the Mayor may authorize the extension of this
229 time frame, after due consideration for the substance, content, and relative
230 importance of the subject. Each person who addresses the Commission shall
231 approach the speaker's podium, shall give his or her name and state whether he or
232 she is a resident of the Town. No person other than the member of the public
233 recognized by the Mayor as having the floor shall be permitted to enter into
234 discussion without the permission of the Mayor. No person shall approach the
235 dais without first receiving permission from the Mayor. All questions from the
236 public to the Commission shall be addressed through the Mayor, and shall be
237 handled in the manner that the Mayor sees fit. The normal practice shall be for
238 the Town Manager to designate a staff person to follow up on questions or
239 requests, and to avoid conversation between the public speaker and the members
240 of the Commission or the Town administration. Any answers that may be given
241 shall not reduce the speaker's time. Speakers shall conduct themselves in a polite
242 and respectful manner, and shall use proper titles when addressing
243 Commissioners, the Mayor or other Town officials or staff by name. Persons who
244 are disruptive shall receive at least one warning before being ejected in
245 accordance with Code Section 2-23.

246
247 F. **COMMISSION MEETING ITEMS**

- 248
249 i. **Special Presentations.** This section of the agenda is reserved for
250 presentations, proclamations or items of special recognition.
251

- 252 ii. **Public Comments.** Individuals wishing to speak on matters not on the agenda
253 for a public hearing, but still pertinent to the Town, may do so by signing in with
254 the Town Clerk prior to the meeting. A statement shall be included in the agenda
255 of each Commission meeting at which public comments is an item on the agenda,
256 summarizing these procedures. The Mayor will recognize those persons who
257 signed in under the agenda item "Public Comments," and may also recognize
258 other persons who desire to speak. The time limit for each person to speak shall
259 be three (3) minutes. The speaker is allowed uninterrupted time to present his or
260 her point of view. Persons may reserve their comments for one agenda item at the
261 time that the item is being discussed, in lieu of using their public comment time.
262 The Town Manager shall follow up on public comments as appropriate, and shall
263 inform the Town Commission of any such follow up.
264
- 265 iii. **Public Safety Discussion.** The chiefs of the Town's police, fire and emergency
266 medical service providers will attend each regular Commission meeting, and be
267 available to answer questions from the Commission on their activities during this
268 section of the agenda.
269
- 270 iv. **Consent Agenda.** There shall be a consent agenda during each regular Town
271 Commission meeting. The consent agenda shall contain motions and other
272 matters which, in the opinion of the Town Manager, may be handled and
273 implemented without necessity for discussion. Unless a Commissioner
274 specifically requests that an item be removed from the consent agenda, such items
275 shall be approved and adopted by a single motion and vote of the Commission.
276
- 277 v. **Ordinances and Public Hearings.** Ordinances or other items requiring a public
278 hearing shall be placed on this portion of the agenda.
279
- 280 vi. **Resolutions.** Resolutions not included on the consent agenda shall be placed on
281 this portion of the agenda. The Mayor may allow public comments on
282 Resolutions.
283
- 284 vii. **Commissioner Comments.** This section of the agenda shall be utilized by the
285 Mayor and Commissioners to provide informational reports. Each Commissioner
286 and the Mayor shall have a maximum of five minutes for such reports, and there
287 shall be no discussion with other Commissioners of such items. The order of
288 speaking shall be determined at random.
289
- 290 viii. **Old and New Business Commissioner Agenda Items.** Commissioners may
291 submit a request for the preparation of policy, legislation or action by the Town
292 Attorney or Town Manager. Except for informational reports, a signed written
293 memorandum or form provided for such purposes shall state the purpose of the
294 item/action, the major points to be covered, the reasons for necessary action,
295 whether visual aids such as maps, plans, photos or PowerPoint-style presentations
296 may be appropriate, and the specific action or motion desired by the

Commissioner. This agenda request shall be provided to the Town Manager prior to the deadline for closing the agenda of the meeting for which it is requested, and date stamped on the front of the first page upon receipt by Town staff. If the item can be resolved by the Town Manager without action of the Commission, the Manager shall be given the opportunity to do so. Once heard, the request shall not be acted upon until such request is approved by motion of the majority of the Town Commission. As much as possible, the topic of the report or item shall be provided to the Town Manager prior to the close of the agenda, so that the item may be noticed to the public.

- ix. **Town Manager Report.** Pursuant to Charter Section 5.5(5), the Town Manager shall attend all meetings of the Commission and has the right to take part in the discussion, but not to vote. The Town Manager shall recommend for adoption such measures as the Manager deems appropriate, necessary or expedient for the interests of the Town. This section of the agenda shall be utilized by the Town Manager for reports and additional items for Commission direction or action. The Town Manager shall produce a written progress report for all major pending events in the Town, and an updated version shall be provided as backup for the Town Manager Report at each regular Commission meeting. The Manager may show an item as complete when he or she deems it so, in a separate section at the bottom of the progress report. Upon approval of the report by the Town Commission, the completed item may be removed from the next progress report.
- x. **Town Attorney Report.** The Town Attorney shall make any report to the Commission at this point in the agenda. However, if the Town Attorney has substantial matters for the Commission to discuss or decide, they shall be presented as agenda items.
- xi. **Adjournment.** All meetings of the Town Commission, whether they be special or regular meetings, shall be adjourned at 11:00 p.m. However, the Town Commission, by affirmative vote of four (4) Commissioners present at the meeting, may extend the meeting beyond the time limit. In any event, the motion to continue the meeting must provide for a specific time frame which the Town Commission will honor for the purposes of continuing the meeting.

F. COMMISSION AGENDA PREPARATION

- i. **Agenda Closing Dates.** The agenda for all regular meetings of the Town Commission shall be closed by noon on the Monday of the week prior to the date of the meeting. The agenda for all roundtable meetings of the Town Commission shall be closed by noon on the Tuesday of the week prior to the date of the meeting. The Manager shall determine the agenda closing date for any special meetings at least seven (7) days prior to the date of the meeting. No additional items shall be added to the agenda of the regular meeting after the agenda closing

342 date unless it is deemed to be an emergency. An emergency item requiring
343 immediate Commission action may only be added to the agenda by majority vote
344 of the Town Commission at the meeting. Alternatively, the item may be deferred
345 to a date certain.
346

347 ii. **Placement of Commissioner Items on Agenda.**
348

349 (a) Regular Meetings. All appropriate background material shall
350 accompany the item on the form given for this purpose, and the action proposed
351 to be taken shall be clearly stated. All information relating to items to be placed
352 on the agenda shall be submitted by the Town Commissioner to the Town Clerk
353 by 12:00 noon on the Monday of the week prior to a regular meeting. A complete
354 package of all agenda material shall be provided to the Town Commission by the
355 Town Clerk no later than 5:00 p.m. on the Friday prior to the regular meeting, and
356 is also posted on the Town website. In the event that pertinent information
357 relating to the agenda item is missing or unaccounted for prior to the meeting, the
358 Town Commission may remove the item from the agenda at the regular meeting.
359 Voluminous agenda items, such as the responses to requests for proposals or
360 qualifications, shall be provided to the Town Commission by the Town Clerk no
361 later than 5 p.m. on the Thursday prior to the date of the regular meeting, if
362 feasible. Any PowerPoint-style presentations to be presented at a regular
363 Commission meeting by Town staff, or by other persons if an advance copy of
364 such presentation has been provided to the Town staff, shall be provided to the
365 Commission by the Town Clerk at least 48 hours prior to the meeting time, if
366 feasible.
367

368 (b) Roundtable Workshop Meetings. All appropriate background material
369 shall accompany the item on the form given for this purpose, and the item of
370 discussion and any action to be considered shall be clearly stated. All information
371 relating to items to be placed on the agenda shall be submitted by the Town
372 Commissioner to the Town Clerk by 12:00 noon on the Monday of the week prior
373 to a regular meeting. Items requiring no backup shall be submitted to the Clerk
374 by noon on Wednesday, one week prior to the roundtable meeting. A complete
375 package of all agenda material shall be provided to the Town Commission by the
376 Town Clerk no later than 5:00 p.m. on the Monday prior to the date of the
377 roundtable meeting, and is also posted on the Town website. The Town
378 Commission may discuss the item, defer the item to a later roundtable, or indicate
379 that the item is ready to be placed on the agenda of a regular or special
380 commission meeting for action.
381

382 iii. **Preparation of Legislation.** All Ordinances and Resolutions shall show the
383 name of each Commissioner and whether such Commissioner voted for, against
384 or failed to vote. All Ordinances and Resolutions, once approved by the Town
385 Commission, shall be executed by the Mayor and attested by the Town Clerk.
386

- 387 iv. **Sequence of Agenda Items.** Upon request by the Mayor, items on the agenda
388 may be moved out of sequence in order to expedite the matters before the Town
389 Commission, or assure that items that are related to each other are considered in
390 context.
391
- 392 v. **Procurement/Purchasing Agenda Items.** The Town Manager shall provide
393 suitable relevant backup and information on the item, including any information
394 on past experience with bidders or responders on a purchasing item.
395
- 396 vi. **Minutes.** The Town Clerk shall have minutes ready for approval on the next
397 available Commission meeting agenda if feasible, given the number and length of
398 pending minutes and other workload considerations. Minutes shall record all
399 actions taken by the Commission, and shall contain sufficient detail regarding
400 decisions made, comments received, and discussion of the Commission.
401

402 G. OTHER PROCEDURES
403

- 404 i. **Town Charter.** Nothing herein shall conflict with procedures mandated by the
405 Town Charter.
406
- 407 ii. **Motion to Reconsider.** A motion to reconsider any question which has been
408 determined by the Town Commission may be made only by a Commissioner who
409 voted on the prevailing side and who, not later than the next regular meeting
410 following that on which such question was so determined, requested that a motion
411 to reconsider be placed on the next regular meeting agenda.
412
- 413 iii. **Roll Call Vote.** Any Commissioner may demand the yeas and nays on any
414 question submitted, or to be submitted, to voice vote and, when so demanded, the
415 Town Clerk shall call the roll of Commissioners present and record the vote of
416 each Commissioner.
417
- 418 iv. **Tie Vote.** Tie votes automatically fail.
419
- 420 v. **Action Agenda.** An action agenda shall be circulated by the Town Clerk
421 within forty-eight hours of each Commission meeting if feasible, containing a
422 brief description of action taken or discussion among the Commission on each
423 agenda item.
424
- 425 vi. **Order of Seating.** On the Commission dais (facing the audience), the Town
426 Clerk shall be seated at the left end and the Town Manager shall be seated at the
427 right end. The Mayor shall be seated in the center of the dais, with the Town
428 Attorney seated to his or her left side.
429
- 430 vii. **Waiver of the Procedures.** The intent of these procedures is to assure the
431 smooth and efficient functioning of the Commission meeting, and to prioritize the

completion of Town business. The procedures shall always be applied and interpreted to carry out the will of the majority of the Commission while giving due consideration to the rights of the minority. However, any Commissioner may propose to waive the strict application of the procedures in a particular circumstance. The procedure shall be waived upon a proper motion, second and approval of the waiver by a simple majority. A permanent change to the procedures shall be accomplished by adopting an amending Resolution.

H. QUASI-JUDICIAL PROCEEDINGS

Quasi-judicial proceedings shall be excepted from this Resolution and shall be governed by Town Code.

Section 3. Conflict. All resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 4. Severability. The provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution, but they shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED THIS ____ day of _____, 2010.

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

467

468

469

Town Attorney